

IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION

**31.02.01 – PUBLIC RECORDS ACT RULES OF THE
IDAHO PUBLIC UTILITIES COMMISSION**

DOCKET NO. 31-0201-1401 (CHAPTER REPEAL)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that the Idaho Public Utilities Commission has initiated a proposed rulemaking procedure. This action is authorized pursuant to Sections 9-347 and 61-601, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 17, 2014.

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the Commission's address below.

DESCRIPTIVE SUMMARY: The following is a non-technical explanation of the substance and purpose of the proposed rulemaking:

The Public Utilities Commission is proposing to repeal its Public Records Rules and replace them with "Public Records Guidelines" as authorized by Section 9-347, Idaho Code. The Commission's Public Records Guidelines are substantially the same as its existing rules at IDAPA 31.02.01 and will be updated to reflect recent changes to the Idaho Public Records Law. The Guidelines will be posted on the Commission's webpage.

FEE SUMMARY: There are no fees associated with this proposed rulemaking.

FISCAL IMPACT: There is no fiscal impact on the state general fund resulting from this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the Commission is repealing its Public Records Rules and replacing them with Public Records Guidelines.

INCORPORATION BY REFERENCE: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed repeal, contact Donald L. Howell, II, Deputy Attorney General, at (208) 334-0312.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the Commission Secretary and must be delivered on or before September 24, 2014.

DATED this 25th day of July 2014.



Jean D. Jewell
Commission Secretary
Idaho Public Utilities Commission
PO Box 83720
Boise, ID 83720-0074
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Facsimile: (208) 334-3762

Street address for express delivery:

472 W Washington
Boise, Idaho 83702-5918



Proposed/Temporary Administrative Rules Form

Section 1 (To be Completed by Agency)

Agency Name: IDAHO PUBLIC UTILITIES COMMISSION		STARS Agency Code: 900	Fax Number: 334-3761	Date: April 25, 2014
Contact Person: Joe Leckie	Title: Executive Administrator	Phone: 334-0330	Email: joe.leckie@puc.idaho.gov	
Person Authorizing Rule: Paul Kjellander	Title: President	Phone: 334-2898	Email: paul.kjellander@puc.idaho.gov	
Statutory Authority for the rule making (Idaho Code, Federal Statute or Regulation): I.C. § 9-347, 61-601				
Title, Chapter, and Possible Docket (IDAPA) Number: 31-0201-1401 – Public Records Act Rules of the Idaho Public Utilities Commission				
This rule is: <input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Temporary		Effective Date: After the 2015 Legislature		
If this is a temporary rule: <input type="checkbox"/> Necessary to protect the public health, safety, or welfare; or <input type="checkbox"/> Compliance with deadlines in amendments to governing law or federal programs; or <input type="checkbox"/> Conferring a benefit. Please explain:				
If this is a temporary rule which imposes a fee or charge, provide justification as described in Idaho Code 67-5226(2): N/A				
Agency has determined according to Idaho Code 67-5220(1): <input type="checkbox"/> This rule is to be negotiated <input checked="" type="checkbox"/> Negotiation of this rule is not feasible				
If rule is negotiated: Agency certifies that the rule <input type="checkbox"/> has been or <input type="checkbox"/> will be negotiated with interested persons as outlined in Idaho Code 67-5220(3). (indicate which)				
If rule negotiation is not feasible, the agency has determined: <input type="checkbox"/> Rule is temporary; or <input type="checkbox"/> Lack of identifiable representatives of affected interests; or <input checked="" type="checkbox"/> Rule is simple in nature; or <input type="checkbox"/> Affected interests are not likely to reach consensus; or <input type="checkbox"/> Other. Please explain: Public Records Guidelines will replace Public Records Rules				
Provide a fiscal impact statement for all programs affected. Be sure to reflect both positive and negative impacts and to include all fund sources including both the General Fund and dedicated funds: No fiscal impact. The cost of publication is estimated to be about \$150 from the PUC's dedicated fund.				
Provide a short explanation of the need for this rule: The PUC proposes to replace its Public Records Act Rules with Public Records Guidelines as permitted by Section 9-347, Idaho Code. Converting from rules to agency guidelines will allow the Commission to update its guidelines with greater ease and less expense.				

Provide a short summary of the changes this rule makes: The PUC intends that its Public Records Guidelines mirror its existing rules but update citations and other housekeeping changes.	
Provide a list of those persons or interest group(s) affected by this rule: 	
Section 2 (To be Completed by DFM)	
DFM Analyst Comments: Commission intends to pursue public records guideline route for informing stakeholders of non-policy housekeeping type rule changes. This new approach is being considered due to unexpected 124% per page publication rate change (\$25 to \$56) announced by ID- Administration late this fiscal year (March 25).	
DFM Analyst Fiscal Impact Review: Cost savings expected.	
DFM Analyst Signature & Date: Richard C. Budzich 05/06/14	Recommend: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Gov Special Assistant Signature & Date: Stephen Goodson May 6, 2014	Recommend: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DFM Administrator Action: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Authorized to Advance Rulemaking Process, DFM to review draft rule prior to publication (See Section 3) <input type="checkbox"/> Not Approved	
DFM Administrator Signature & Date: <div style="display: flex; justify-content: space-between;"> 5/6/2014 </div>	
Section 3 (To Be Completed By DFM if Required)	
DFM Analyst Signature & Date:	Recommend: <input type="checkbox"/> Yes <input type="checkbox"/> No
DFM Administrator Signature & Date:	Approved: <input type="checkbox"/> Yes <input type="checkbox"/> No

Return via email to: info@dfm.idaho.gov

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